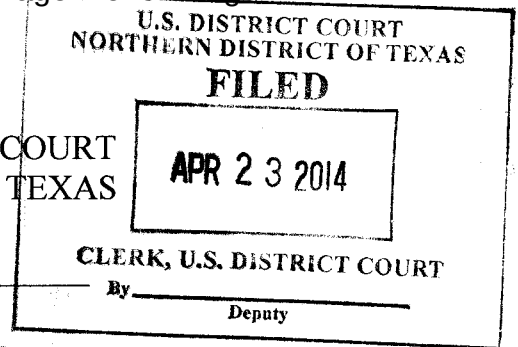


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



UNITED STATES OF AMERICA

v.

No. 4:14-MJ-212

FREDERICK LYON (01)

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about April 22, 2014, the defendant, **Frederick Thomas Lyon**, in the Northern District of Texas, knowingly possessed matter, specifically one (1) Acer computer containing the Western Digital Hard Drive SN# WCAV9W890294, which contains any visual depiction that was produced using materials which had been mailed and shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of such visual depiction involved the use of a prepubescent minor engaging in sexually explicit conduct, and such visual depiction was of such conduct, in violation of 18 U.S.C. § 2252A(a)(5).

I further state I am a Special Agent with U.S. Immigration and Customs Enforcement and that this complaint is based on the following facts gathered by me through my own investigation:

INTRODUCTION

1. I am currently a Special Agent with Homeland Security Investigations (HSI) within the U.S. Immigration and Customs Enforcement, currently assigned to the Office of the Special Agent in Charge, Dallas, Texas.

Prior to becoming an HSI special agent in April 2007, I was employed as a United States Customs Inspector for ten years. As part of my duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic images.

2. This affidavit sets forth facts and suggest reasonable inferences from those facts, establishing that there is probable cause to believe that on or about April 22, 2014, in the Northern District of Texas, **Frederick Thomas Lyon** committed the offense of Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5).

3. The information contained in this affidavit is from my personal knowledge of the described investigation and from information obtained from other law enforcement agents.

OVERVIEW OF INVESTIGATION

4. On September 13, 2014, in furtherance of this investigation, I was utilizing the Internet in a covert capacity for the purpose of identifying persons who participate in the distribution of child pornography and the sexual exploitation of children through the use of P2P file-sharing networks.
5. Pursuant to this objective, I learned that IP address 107.219.89.36 on the described date above was identified as a computer that had been connected to the Internet and made available to share images of child pornography. The IP address appeared to originate from the approximate area of Fort Worth, Texas; (located within the Northern District of Texas), and was then connected to the eDonkey2000 network via P2P file-sharing software version 0.50.
6. Utilizing the covert P2P software which seeks to make a one for one computer connection, I did so with a computer at IP address 107.219.89.36, and as a result, received from this computer a file transfer list offering over 1,000 files available for download of which, the majority of the file names were indicative of child pornography. This direct connection could only happen if the computer was on-line at the time the connection was made.
7. On October 4, 2013, I issued an administrative summons to AT&T Internet Services for account information related to IP address 107.219.89.36. AT&T responded to the summons, and identified the subscriber using IP address 107.219.89.36 from the dates beginning April 7, 2013 through September 13, 2013, as belonging to the account

of **Fredrick Lyon** with a residential address of 2509 Handley Drive, Fort Worth, Texas 76112.

8. On January 13, 2014, I again observed IP address 107.219.89.36 was still actively online utilizing the P2P file sharing network and making available for sharing child pornography files. A second administrative summons was issued to AT&T for account information related to the aforementioned IP address, which confirmed the activity was occurring at **Lyon's** residence on Handley Drive, Fort Worth.

9. On April 22, 2014, HSI Special Agents executed a federal search warrant at the above-mentioned address. Evidence of child pornography was observed by HSI Computer Forensic Agents while conducting a preliminary search of **Lyon's** Acer computer containing the Western Digital Hard Drive SN# WCAV9W890294, which is a product of Thailand. For example, three child pornography video files captured during the preliminary search of the Acer computer include the following:

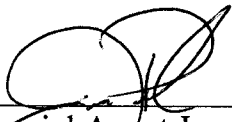
FILE NAME	FILE DESCRIPTION
9yo Veronika sucks Dad off & spits out the cum.avi	A video file depicting a prepubescent female child performing oral sex on an adult male's penis until the male ejaculates in the child mouth. The child then spits out the ejaculate.
(Hussyfan)(Pthc)(R@ygold)(Kingsp ass)(Babyshivid)(Qqaazz 1yo girl Grandpa's Baby toddler + man.mpg	A video file depicting a prepubescent female child wearing a pink t-shirt and nude from the waist down. A white diaper is seen on the child, which is opened exposing her genitals in a lewd and lascivious manner. The video continues with an adult male's penis penetrating the child's vagina.
(Children-sf-1man) Gracel Series-Rona (08Yo)-(KINDER).mpg	A video file depicting a nude prepubescent female performing oral sex on an adult male's penis until he ejaculates in her mouth.

10. Agents seized the aforementioned Acer computer containing child pornography for further forensic evaluation.

11. HSI Special Agents conducted a consensual interview of **Lyon** while at his residence. **Lyon** admitted he utilized the P2P file-sharing network EDonkey/Emule to view and download images of child pornography for the past 10 years.

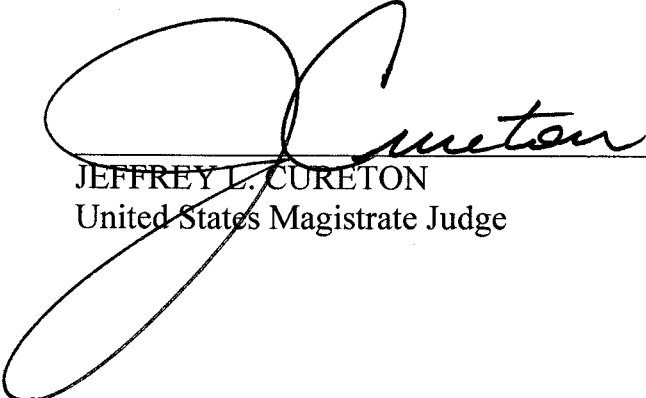
CONCLUSION

12. Based on the foregoing facts and circumstances, I respectfully submit that there is probable cause to believe that on or about April 22, 2014, in the Northern District of Texas, **Frederick Thomas Lyon** committed the offense of Possession of Child Pornography, in violation of 18 U.S.C. §2252A(a)(5).



Special Agent Jason M. Prasnikar
Department of Homeland Security Investigations

Subscribed and sworn before me this 23rd day of April 2014 in Fort Worth, Texas at 1:54 p.m.



JEFFREY L. CURETON
United States Magistrate Judge